

To Chairman Julius Genachowski and other FCC Commissioners at the Federal Communications Commission,

I am writing to strongly oppose any merger of AT&T with Qualcomm. The last thing consumers need are more mega mergers in the telecom or media markets. In the beginning of the last decade the broadband marketplace for high speed Internet was very competitive in the U.S. compared to today. We were ranked 4th worldwide as a country in terms of broadband adoption and penetration. As we started allowing big telecom companies to get bigger and destroy competitors by buying them outright (AT&T with SBC Communications and Bell South two of the major Baby Bells of the Ma Bell days; Qwest with US West and recently Century Link) we have started to have fewer consumer choices, lower quality service, less competition, less innovation (what innovation does occur is controlled by the telecoms and cable companies) and higher prices. The United Nations has recently declared Internet access a human right as essential as public utilities like running electricity and clean water.

AT&T is trying to give us an 80's makeover undoing the progress of the 1980s, re-constituting in full the once loathed Ma Bell monopoly which had a monopoly on rotary phones. They are trying to monopolize everything with their merger with T Mobil. Don't believe AT&T's fairy tales. The Web was created as a democratic and open medium -- a last mile for free flow of communication, information and commerce with corporate gatekeepers in the past having control over the future of our media and telecommunications. There are two possible futures for the Web. The first is a preservation of the Open Internet that fosters creativity, encourages higher adoption of broadband, encourages competition to established players from new upstarts and allows free flow of communication, information and commerce. The second is a closed Internet that would look like cable TV or radio today hundreds of channels or stations but often nothing good on to watch. Less diversity and localism in our media. Also incentives for service providers change when they get bigger and they have an even bigger conflict of interest to discriminate online and become corporate gatekeepers censoring individual free speech on the Web.

This is why I have been so instrumental in supporting Network Neutrality rules from the Federal Communications Commission with Title II reclassification of broadband ensuring the agency has the statutory authority to protect Internet users and innovators. I have protested AT&T's unfair data caps that unfairly exempt their own online services from competitors and especially put smaller competitors and users of alternative services at a disadvantage. This harms the users and the innovators. I also strongly support codification and extension of such rules to the wireless web or mobile web. No service provider should be able to discriminate against what websites I visit based on content source or destination (packet discrimination should be disallowed) service providers should not be able to pick and choose what works and what doesn't -- what websites load faster and which go slower based on who pays them for priority access. This puts indy (independent) and especially noncommercial outfits at a disadvantage who cannot afford to pay the extortion tolls. Allowing giant

corporations like AT&T to carve up the Internet into an unequal two-tiered Internet with a slow (public non-discriminatory lane) and a fast (private for-profit lane where discrimination is allowed) is unacceptable as is the suggestion to create a second lane with such services they can discriminate against under the managed services moniker.

AT&T has routinely claimed the Internet Engineering Task Force supports data caps and other discriminatory practices for the Internet when they don't. Now AT&T also wants to become a corporate gatekeeper on the mobile Internet. The future of communications and our media are too important to let giant corporations whether its AT&T, Qwest, Time Warner Cable, Comcast (which got NBCU), Qualcomm, Verizon Wireless or other giants to have control over them. I have filed comments in the docket involving the proposed merger of AT&T Mobility with Deutsche Telecom's T Mobil USA rejecting the merger outright and supported petitions by media reform watchdog group FreePress.Net that supports open, universal access to communications technologies like broadband and media reform as well as ColorofChange.org which campaigns for Black America rejecting this merger as it would let AT&T Monopolize Everything (their PR says Mobilize Everything) and sent comments to the U.S. Department of Justice Antitrust Division as well. I do not wish to see AT&T get any bigger and discriminate more and more against cellular phone users, and/or Internet and mobile Internet users. These giant communications companies OFTEN SAY DON'T REGULATE US THERE'S PLENTY OF COMPETITION even as they lobby to get bigger BUT WHAT HAPPENS WHEN THERE ARE ONLY 2 OR 3 COMPANIES? Approving more mergers/mega mergers would be a historic mistake.

Network Neutrality which I mentioned earlier codifies nondiscrimination rules in place stating that service providers must perform reasonable network management. No unfair discrimination online. The market for fixed wire-line broadband services (the Wired Web) is much less competitive than dial-up its easier to get dial-up Internet and less costly than it is to get fixed broadband. The national cellular phone market for post-paid services is already an anti competitive oligopoly as I've stated in the docket concerning the AT&T T Mobil merger don't let it become a near duopoly or duopoly with just AT&T and Verizon Wireless controlling nearly 80% of the wireless phone and mobile broadband market(s). Similarly don't allow AT&T to get Qualcomm spectrum and ever destroy Qualcomm as a competitor by merging with it.